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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,264	05/17/2005	Kenichi Suzuki	000023-065	3874

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EXAMINER

CHRISS, JENNIFER A

ART UNIT	PAPER NUMBER
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1771

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/535,264

Applicant(s)

SUZUKI ET AL.

Examiner

Jennifer A. Chriss

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The Applicant's Amendments and Accompanying Remarks, filed January 17, 2007, have been entered and have been carefully considered. Claim 1 is amended, claims 2 – 3 are cancelled, claims 8 – 15 are added and claims 1, 4 – 15 are pending. In view of Applicant's amendments and newly added claims, the Examiner has amended the previously applied rejection as being anticipated or obvious over Clark the rejection as detailed in the Office Action dated November 18, 2006; the details of the newly revised rejection are below. The invention as currently claimed is not found to be patentable for reasons herein below.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102/103

2. Claims 1 and 4 - 15 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over CLARK et al. (US 6,723,669 B1).

CLARK et al. discloses multicomponent spunbond fibers and webs made from them. The reference describes the use of sheath-core configurations. (Col. 1, lines 11-20; Col. 13, lines 28-50) The reference teaches combinations of polymer components that include polyolefin/polyolefin such as polypropylene/polypropylene. For examples

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fibers that comprise a first component comprising a first propylene polymer and a second component comprising a second propylene polymer wherein the second propylene polymer has narrow molecular weight distribution and a polydispersity number less than that of the first polypropylene polymer. (Refer to Col. 4, lines 58-63; Col. 5, lines 19-24) The reference also teaches that the multicomponent fibers can comprise a first component comprising a substantially crystalline polypropylene and the second component can comprise an amorphous polypropylene, that is to say a polypropylene polymer having a lower degree of crystallinity. (Col. 5, lines 63-67) In a further aspect, a first component can comprise a low melt-flow rate (MFR) polyolefin and a second component can comprises a high MFR olefin polymer. (Col. 7, lines 38-49) The reference further describes laminates and their use in applications such as diapers. (Col. 15, lines 47-59) It is the Examiner's position that a sheath-core bicomponent fiber such as those described by CLARK et al. will produce a fairly symmetrical cross-section fiber. It should be noted that CLARK et al. indicates that the spunbonded fibers can comprise, at least in part, a similar and/or identical polymer to that comprising one of the components of the multicomponent meltblown fabric. Still futher, the spunbonded fiber can comprise polymer having the same or similar melting point as the polymer comprising the lower melting component of the multicomponent meltblown web (Co. 13, lines 45 – 55).

As to claim 1, although CLARK et al. does not explicitly teach the claimed polymer components having a difference of induction periods of strain-induced crystallization of 100 seconds or longer, it is reasonable to presume that this property is

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inherent to olyolefin/polyolefin combinations described by the reference. Support for said presumption is found in the use of like materials (i.e. the reference teaches the use of same kind of polymers with different MFR or different degree of crystallinity used in the production of multicomponent fibers). The burden is upon Applicant to prove otherwise. *In re Fitzgerald* 205 USPQ 594. In addition, the presently claimed property of polymer components having a difference of induction periods of strain-induced crystallization of 100 seconds or longer would obviously have been present one the CLARK et al. product is provided. Note *In re Best*, 195 USPQ at 433, footnote 4 (CCPA 1977). It is noted that the disclosure of the present application describe combinations of polymers having different MFR and different melting points; and polymers having different MFR and the same melting points as polymers having different induction periods of strain-induced crystallization. (as described in [0025]-[0028] of Pub. No. 2006/0052022 A1). It is the Examiner's position that the combinations described above meet the description provided, therefore, must have the claimed difference in induction periods of strain-induced crystallization.

With regards to claim 4, it is the Examiner's position that the nonwoven fabric produced by the fibers of CLARK et al. will possess the claimed extensibility in the MD and/or CD for similar reasons described in the paragraph above.

As to claims 8 – 12, CLARK et al. teaches that the polymer components in a bicomponent fiber can be present in the amount ranging preferably from 75/25 – 25/75 (see column 3, lines 30 – 55).

Response to Arguments

3. Applicant's arguments filed January 17, 2007 have been fully considered but they are not persuasive.
4. Applicant argues that Clark teaches meltblown fibers having Applicant's claimed parameters and not spunbonded fibers. It should be noted that CLARK et al. indicates that the spunbonded fibers can comprise, at least in part, a similar and/or identical polymer to that comprising one of the components of the multicomponent meltblown fabric. Still further, the spunbonded fiber can comprise polymer having the same or similar melting point as the polymer comprising the lower melting component of the multicomponent meltblown web (Co. 13, lines 45 – 55). It is the position of the Examiner that the teachings of the meltblown fibers also apply to the spunbonded fibers.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of


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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A. Chriss whose telephone number is 571-272-7783. The examiner can normally be reached on Monday - Friday 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571 - 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Jennifer Chriss
April 11, 2007


Ms. Arti R. Singh
Primary Examiner
Tech Center 1700